

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

GUARDIAN MEDIA TECHNOLOGIES, LTD.)	
)	Case No. 6:10-CV-597-LED
Plaintiff)	
)	
v.)	
)	
ACER AMERICA CORPORATION, ET AL.)	<u>JURY TRIAL DEMANDED</u>
)	
Defendants.)	

**DECLARATION OF LARRY D. THOMPSON, JR. IN SUPPORT OF GUARDIAN'S
OPPOSITION TO THE MOTION TO TRANSFER VENUE TO THE SOUTHERN
DISTRICT OF CALIFORNIA**

1. My name is Larry D. Thompson, Jr. I submit this Declaration in support of Plaintiff Guardian Media Technologies, Ltd.'s Opposition to the Motion to Transfer Venue to the Southern District of California.

2. I am over 18 years of age, and am fully competent to make this declaration. I have personal knowledge of the facts stated, and they are all true and correct.

3. Attached as Exhibit 1 are true and correct copies of photos of TTE Technology Inc.'s Juarez facility, and of TTE's stated principal place of business and sole office at 1255 Graphite Drive, Corona, CA. The photos are taken from Exhibits 8, 12, and 13, which are described below.

4. Attached as Exhibit 2 is a true and correct copy of a February 25, 2008 article from the *Indianapolis Business Journal* entitled "Former Thomson exec attempts to revive Proscan TVs," as printed off of the [allbusiness.com](http://www.allbusiness.com) website.

5. Attached as Exhibit 3 is a true and correct copy of the docket sheet for *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.)

6. Attached as Exhibit 4 is a true and correct copy of Dkt. 146, Order: (1) Granting Defendant's Motion to Amend Answers and Counterclaims; (2) Lifting Stay; and (3) Transferring Cases, from *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.).

7. Attached as Exhibit 5 are true and correct copies of Dkt. 240, Stipulation and Joint Motion for Entry of Final Judgment, and Dkt. 247, Final Judgment, from *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.).

8. Attached as Exhibit 6 is a true and correct copy of Dkt. 255, Order on Joint Motion to Vacate the Court's Prior Claim Construction and Summary Judgment Rulings Concerning U.S. Patent Nos. 4,930,158 and 4,930,160, from *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.).

9. Attached as Exhibit 7 is a true and correct copy of a screenshot I took from TTE's website (201.174.22.2/IndexPlasticsServices.html) by clicking on the "Contact Us" tab.

10. Attached as Exhibit 8 is a true and correct copy of a printout I made of the homepage of TTE's website (201.174.22.2/Index.html).

11. Attached as Exhibit 9 are true and correct copies of screenshots I took from TTE's website (201.174.22.2/Index.html), by clicking on the "Location" link, and then clicking on the facility icon in Mexico on the world map.

12. Attached as Exhibit 10 is a true and correct copy of a screenshot I took from TTE's website (201.174.22.2/Index.html), by clicking on the "About Us" link.

13. Attached as Exhibit 11 is a true and correct copy of a November 3, 2003 press release entitled "TCL and Thomson:Creating a New Global Leader in the TV Industry," which I printed from www.tcl.com.

14. Attached as Exhibit 12 is a true and correct copy of a screenshot I took from TTE's website (201.174.22.2/Index.html), by clicking on the "Location" link, and then clicking on the "Airport to MASA TTE" link, which produced the inset overhead shot from Google Maps. I then zoomed in on the TTE facility at marker "B".

15. Attached as Exhibit 13 is a true and correct copy of the printout I made from the Google Maps (maps.google.com) street view results for 1255 Graphite Dr. Corona, CA 92881, which is TTE's stated headquarters.

16. Attached as Exhibit 14 are true and correct copies of the printouts I made from property records available at indygov.org, regarding a home owned in Indianapolis by Patrick & Lauren Deighan.

17. Attached as Exhibit 15 is a true and correct copy of a printout I made of Patrick Deighan's profile at linkedin.com.

18. Attached as Exhibit 16 is a true and correct copy of a profile for ON Corp US, Inc., with an Indianapolis address and phone number, which I printed from investing.businessweek.com.

19. Attached as Exhibit 17 is an email that I sent to Daniel Lechleiter, counsel of record for On Corp US, Inc., regarding Patrick Deighan's relationship with On Corp US. To date, Guardian has not received any answer from On Corp or its counsel to the questions raised in that email.

20. Attached as Exhibit 18 is a true and correct copy of Table C-5, U.S. District Courts—Median Time Intervals From Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition, During the 12-Month Period Ending March 31, 2010, which I downloaded from uscourts.gov.

21. Attached as Exhibit 19 is a true and correct copy of Table C-5, U.S. District Courts—Median Time Intervals From Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition, During the 12-Month Period Ending March 31, 2009, from a report of the Administrative Office of the U.S. Courts, which I downloaded from uscourts.gov.

22. Exhibit 20 was deliberately left blank.

23. Attached as Exhibit 21 is a true and correct copy of Dkt. 233, Order Granting Summary Judgment of Non-Infringement of U.S. Patent No. 4,930,158, from *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.).

24. Attached as Exhibit 22 are true and correct copies of Dkt. 44, Transcript of Summary Judgment Motion Hearing, and Dkt. 47, Order Granting Defendant Toshiba America Consumer Products, L.L.C.’s Motion for Summary Judgment of Non-Infringement And Judgment Thereon, from *Guardian Media Techs., Ltd. v. Toshiba America Consumer Prods., L.L.C.*, No. 09-cv-0052 (C.D. Cal.).

25. Attached as Exhibit 23 is a true and correct copy of Dkt. 65, Transcript of Summary Judgment Motion Hearing, and Dkt. 47, Order on Joint Motion to Vacate the Court’s Prior Claim Construction and Summary Judgment Ruling Concerning U.S. Patent No. 4,930,160, from *Guardian Media Techs., Ltd. v. Toshiba America Consumer Prods., L.L.C.*, No. 09-cv-0052 (C.D. Cal.).

26. Attached as Exhibit 24 is a true and correct copy of Dkt. 74-1, *Guardian Media Technologies, LTD.’s Memorandum of Points and Authorities in Support of its Renewed Motion to Dismiss, Or in the Alternative, To Transfer*, from *Sony Elecs., Inc., v. Guardian Media Techs., Ltd.*, No. 05-cv-1777 (S.D. Cal.).

27. I created the table on pages 4-5 of *Guardian’s Opposition* by using the tool at:

<http://www.freemaptools.com/how-far-is-it-between.htm>. This site provides “Distance as the Crow flies,” or the straight-line distances, between two points.

28. At approximately 7:30 pm Central on March 25, 2011, a call was placed to 317-581-6365, which is listed as the Indianapolis area telephone number for On Corp US, Inc. *See* Ex. 15. The following message was heard:

You've reached the office of Proscan LCD TV. If you have a question regarding warranty or parts, or if you need to find a service center to repair your TV, please call our San Diego office at 858-546-4445. If you have a message for Patrick Deighan, or for the sales department, please leave a message and we'll call you back right away. Thank you.

I hereby solemnly affirm under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2011.

/s/ Larry D. Thompson, Jr.
Larry D. Thompson, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Larry D. Thompson, Jr.
Larry D. Thompson, Jr.